

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.201 of 2024

Arising Out of PS. Case No.-138 Year-2022 Thana- AMARPUR District- Banka

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Gita Kumari wife of Mrityunjay Kumar Resident of village- Pavai Police
Station- Amarpur District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Prakash Harijan son of Biro Harijan Village- Bhikhanpur Ps- Amarpur Dist-
Banka

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Rana Ishwar Chandra, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For Respondent No. 2	:	Mr. Prahalad Kumar Bhagat, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 23.11.2022, passed in a case registered for the offence punishable under Sections 419, 420, 467, 468, 447 and 120B of the Indian Penal Code and Sections 3(2)va(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, all the F.I.R. named accused persons, including this appellant, fraudulently purchased the land which was allotted for members of S.C./S.T. communities.

4. It is submitted by learned counsel appearing on



behalf of the appellant that appellant is innocent and has committed no offence. Name of appellant has transpired in his case during course of investigation, only on the ground that she is one of the purchasers of the land. Petitioner is *bona fide* purchaser and has purchased the land after payment of consideration money. As a matter of fact, appellant herself belongs to S.C./S.T. community and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 23.11.2022 passed by the Court of learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Banka, in connection with A.B.P. No. 2303 of 2022 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Banka, in connection with Amarpur P.S. Case No. 138 of 2022.

(Prabhat Kumar Singh, J)

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